

HOUSE JOURNAL

SEVENTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTY-THIRD DAY — THURSDAY, APRIL 17, 1997

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 164).

Present — Mr. Speaker; Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Rodriguez.

The invocation was offered by Representative Edwards.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business:

Rodriguez on motion of Kubiak.

CAPITOL PHYSICIAN

The speaker recognized Representative Eiland who presented Dr. Warren Longmire of Hitchcock as the "Doctor for the Day."

The house welcomed Dr. Longmire and medical student Edward Terrasson of Houston and thanked them for their participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 35).

**HR 466 - ADOPTED
(by Zbranek)**

Representative Zbranek moved to suspend all necessary rules to take up and consider at this time **HR 466**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 466, Congratulating the Barbers Hill High School Lady Eagles on winning the Class 3A State Basketball Championship.

HR 466 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The speaker recognized Representative Zbranek, who introduced members of the Barbers Hill High School Lady Eagles basketball team, their coach Pennee Hall, and their assistant coaches.

**HR 633 - ADOPTED
(by Hunter)**

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 633**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 633, Welcoming Rotary International's Japanese Group Study Exchange team to the State Capitol.

HR 633 was adopted without objection.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

MESSAGE FROM THE GOVERNOR

The speaker laid out and had read the following message from the governor:

Agreeing to the request of the Legislature presented by **SCR 68, SB 388** is hereby returned to the House of Representatives for further consideration.

Article 4, Section 14, of the Texas Constitution directs and regulates when

and how the Governor can approve or veto any bill passed by both houses of the Legislature. In this instance, the Governor has taken no action on **SB 388** and the Legislature has requested by **SCR 68** that **SB 388** be returned to the House of Representatives. Pursuant to established case law, and, while under no obligation to comply with the request, **SB 388** is hereby returned to the House of Representatives for further consideration.

HB 3580 - PERMISSION TO INTRODUCE

Representative King requested permission to introduce and have placed on first reading **HB 3580**.

A record vote was requested.

Permission to introduce was granted by (Record 165): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Rodriguez.

Absent — Dukes; Jones, D.; Olivo; Reyna, E.

HB 3581 - PERMISSION TO INTRODUCE

Representative Hightower requested permission to introduce and have placed on first reading **HB 3581**.

A record vote was requested.

Permission to introduce was granted by (Record 166): 144 Yeas, 1 Nay, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze;

Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Nay — Dutton.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Rodriguez.

Absent — Hernandez; Jones, D.; Place.

HB 3582 - PERMISSION TO INTRODUCE

Representative Gallego requested permission to introduce and have placed on first reading **HB 3582**.

A record vote was requested.

Permission to introduce was granted by (Record 167): 148 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddock; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Rodriguez.

HR 634 - ADOPTED
(by J. Jones)

Representative J. Jones moved to suspend all necessary rules to take up and consider at this time **HR 634**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 634, Honoring Ezell Rhodes for her contributions to the community.

HR 634 was adopted without objection.

HR 644 - ADOPTED
(by Price)

Representative Price moved to suspend all necessary rules to take up and consider at this time **HR 644**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 644, Honoring Abdul-Hakim Muhammad for his contributions to the community.

HR 644 was adopted without objection.

On motion of Representative Edwards, the names of all the members of the house were added to **HR 644** as signers thereof.

HCR 77 - ADOPTED
(by Gallego)

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HCR 77**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HCR 77, In memory of Judge Sergio Gonzalez, Jr.

HCR 77 was read and was unanimously adopted by a rising vote.

INTRODUCTION OF GUESTS

The speaker recognized Representative Gallego, who introduced members of Judge Gonzalez's family: his son, Joseph Michael Gonzalez, and his daughters, Janie Owens, Lupita Mireles, and Amalia Forehand.

INTRODUCTION OF GUESTS

The speaker recognized Representative Gallego, who introduced members of Felicitas "Ollie" Fernandez's family.

HCR 74, in memory of Felicitas "Ollie" Fernandez, having been previously adopted, was read.

INTRODUCTION OF GUESTS

The speaker recognized Representative Gallego, who introduced Linda Fernandez and her family.

HR 146, congratulating Linda Fernandez on being named the 1996-97 Secondary Physical Education Teacher of the Year, having been previously adopted, was read.

**HB 680 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative B. Turner called up with senate amendments for consideration at this time,

HB 680, A bill to be entitled An Act relating to used fire control or fire rescue equipment donated to or made available by the Texas Forest Service.

On motion of Representative B. Turner, the house concurred in the senate amendments to **HB 680**.

Senate Amendment No. 1

Amend **HB 680** by adding on page 1, line 43 (committee printing) the words "malice," between the words "constitutes" and "gross negligence".

**GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**SB 855 ON THIRD READING
(Bosse - House Sponsor)**

SB 855, A bill to be entitled An Act relating to the disposal of certain abandoned vehicles by a vehicle storage facility.

SB 855 was passed.

**SB 69 ON THIRD READING
(Hirschi - House Sponsor)**

SB 69, A bill to be entitled An Act relating to the control and management of university property by the board of regents of Midwestern State University.

A record vote was requested.

SB 69 was passed by (Record 168): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Issett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat;

Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Rodriguez.

Absent — Goolsby.

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**HB 1870 ON THIRD READING
(by Marchant and Grusendorf)**

HB 1870, A bill to be entitled An Act relating to the regulation of trust companies; providing administrative and criminal penalties.

HB 1870 was passed.

**HB 1550 ON THIRD READING
(by Goodman, Naishtat, and Cuellar)**

HB 1550, A bill to be entitled An Act relating to the juvenile justice system.

A record vote was requested.

HB 1550 was passed by (Record 169): 148 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culbertson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Rodriguez.

(Speaker pro tempore in the chair)

HB 723 ON THIRD READING

(by Dukes, Danburg, Palmer, McClendon, Thompson, et al.)

HB 723, A bill to be entitled An Act relating to informed consent before the performance of a hysterectomy.

HB 723 was passed.

HB 1489 ON THIRD READING

(by B. Turner)

HB 1489, A bill to be entitled An Act relating to the regulation of certain animals.

HB 1489 was passed.

HB 1228 ON THIRD READING

(by Jackson and Howard)

HB 1228, A bill to be entitled An Act relating to consolidated permit processing by the Texas Natural Resource Conservation Commission.

HB 1228 was passed.

HB 494 ON THIRD READING

(by Alvarado)

HB 494, A bill to be entitled An Act relating to false claims made with certain governmental entities.

Amendment No. 1

Representative Clark offered the following amendment to **HB 494**:

Amend **HB 494** on third reading by striking Section 2259.041, Government Code, as added by SECTION 1 of the bill, and substituting the following:

Sec. 2259.041. PRIVATE ACTION. A person may bring a civil action in a district court in this state for a violation of Section 2259.002 in the name of the person on behalf of the state, in the name of the person on behalf of the prosecuting authority, or in the name of the person on behalf of both the state and the prosecuting authority, as appropriate.

Amendment No. 1 was adopted without objection.

HB 494, as amended, was passed. (Corte, Heflin, and Solomons recorded voting no)

HB 1820 ON THIRD READING

(by Solis and Flores)

HB 1820, A bill to be entitled An Act relating to the tuition charged to certain foreign students with financial need at certain components of the Texas State Technical College System.

HB 1820 was passed.

HB 2015 ON THIRD READING
(by Burnam)

HB 2015, A bill to be entitled An Act relating to the redesignation of certain articles of the Insurance Code.

HB 2015 was passed.

HB 1975 ON THIRD READING
(by Smithee)

HB 1975, A bill to be entitled An Act relating to the examination of certain insurance companies.

HB 1975 was passed.

HB 1976 ON THIRD READING
(by Smithee)

HB 1976, A bill to be entitled An Act relating to financial solvency requirements for certain property and casualty insurers.

HB 1976 was passed.

HB 2437 ON THIRD READING
(by Bonnen)

HB 2437, A bill to be entitled An Act relating to the Texas Property and Casualty Guaranty Association.

HB 2437 was passed.

HB 2102 ON THIRD READING
(by S. Turner)

HB 2102, A bill to be entitled An Act relating to the closing of juvenile court hearings to the public.

HB 2102 was passed. (Heflin recorded voting no)

HB 2644 ON THIRD READING
(by Telford, Berlanga, Ramsay, Place, Uher, et al.)

HB 2644, A bill to be entitled An Act relating to systems and programs administered by the Teacher Retirement System of Texas.

HB 2644 was passed.

HB 1747 ON THIRD READING
(by Place)

HB 1747, A bill to be entitled An Act relating to procedures to deal with an individual who is in the criminal justice system and who has a mental illness or is a person with mental retardation.

HB 1747 was passed.

HB 2116 ON THIRD READING
(by Craddick)

HB 2116, A bill to be entitled An Act relating to the ad valorem taxation of certain inventories.

Amendment No. 1

Representative Craddick offered the following amendment to **HB 2116**:

Amend **HB 2116** on Third Reading as follows:

In SECTION 2 of the bill, in amended Section 23.121(h), Tax Code, strike "Section 503.038(a)(10)" and substitute "Section 503.038(a)(9)".

Amendment No. 1 was adopted without objection.

A record vote was requested.

HB 2116, as amended, was passed by (Record 170): 146 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Uher(C).

Absent, Excused — Rodriguez.

Absent — Giddings.

HB 1843 ON THIRD READING
(by Marchant)

HB 1843, A bill to be entitled An Act relating to funeral merchandise and services and other funeral benefits.

HB 1843 was passed.

HB 1410 ON THIRD READING
(by Hill)

HB 1410, A bill to be entitled An Act relating to authorizing economic development corporations to provide affordable housing.

HB 1410 was passed.

HB 1168 ON THIRD READING
(by Greenberg)

HB 1168, A bill to be entitled An Act relating to the Texas Manufacturing Institute.

HB 1168 was passed.

HB 327 ON THIRD READING
(by Bosse)

HB 327, A bill to be entitled An Act relating to creation of an offense for parking a commercial motor vehicle overnight in certain residential subdivisions.

HB 327 was passed.

HB 785 ON THIRD READING
(by Gallego)

HB 785, A bill to be entitled An Act relating to venue in a suit against a political subdivision.

HB 785 was passed.

HB 564 ON THIRD READING
(by Oliveira and Yarbrough)

HB 564, A bill to be entitled An Act relating to certain hearings and investigations conducted by the Texas Workforce Commission.

HB 564 was passed.

HB 2649 ON THIRD READING
(by Hamric)

HB 2649, A bill to be entitled An Act relating to the maximum ad valorem tax rate for certain rural fire prevention districts.

HB 2649 was passed.

HB 2812 ON THIRD READING
(by Woolley)

HB 2812, A bill to be entitled An Act relating to the inclusion of performance pay for purposes of contributions and benefits under the Teacher Retirement System of Texas.

A record vote was requested.

HB 2812 was passed by (Record 171): 146 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill;

Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Uher(C).

Absent, Excused — Rodriguez.

Absent — Davila.

HB 1285 ON THIRD READING
(by Van de Putte)

HB 1285, A bill to be entitled An Act relating to the meetings of a condominium board or association.

HB 1285 was passed.

HB 209 ON THIRD READING
(by Puente)

HB 209, A bill to be entitled An Act relating to monthly benefits for surviving spouses of deceased members of the Teacher Retirement System of Texas.

HB 209 was passed.

HB 473 ON THIRD READING
(by Howard and Olivo)

HB 473, A bill to be entitled An Act relating to the licensing of waste haulers by certain counties.

A record vote was requested.

HB 473 was passed by (Record 172): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culbertson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna;

Madden; Marchant; McCall; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Uher(C).

Absent, Excused — Rodriguez.

Absent — Eiland; Maxey; McClendon.

STATEMENT OF VOTE

When Record No. 172 was taken, I was in the house but away from my desk. I would have voted yes.

Maxey

HB 621 ON THIRD READING

(by Jackson, Talton, Carter, Hernandez, Thompson, et al.)

HB 621, A bill to be entitled An Act relating to the establishment of the Texas Chiropractic College as a public institution of higher education.

HB 621 was passed.

HB 1193 ON THIRD READING

(by Rhodes and Hawley)

HB 1193, A bill to be entitled An Act relating to free trial transcripts for appeals in which an affidavit of inability to pay costs has been filed.

HB 1193 was passed.

HB 1391 ON THIRD READING

(by Torres)

HB 1391, A bill to be entitled An Act relating to continuing education requirements for air conditioning and refrigeration contractors.

A record vote was requested.

HB 1391 failed to pass by (Record 173): 66 Yeas, 75 Nays, 2 Present, not voting. (The vote was reconsidered on Friday, April 18, and **HB 1391**, as amended, was passed by Record 185).

Yeas — Alvarado; Bailey; Berlanga; Bonnen; Bosse; Burnam; Carter; Chavez; Coleman; Cuellar; Danburg; Davila; Davis; Dukes; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Flores; Gallego; Garcia; Glaze; Greenberg; Gutierrez; Hamric; Hernandez; Hightower; Hinojosa; Hirschi; Hochberg; Hodge; Jones, J.; Keffer; Kubiak; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McClendon; McReynolds; Merritt; Moreno; Naishtat; Oliveira; Olivo; Pickett; Place; Price; Puente; Rangel; Reyna, A.; Rhodes; Sadler; Serna; Solis; Thompson; Tillery; Torres; Turner, S.; Van de Putte; Wilson; Wise; Wolens; Yarbrough.

Nays — Allen; Averitt; Brimer; Chisum; Christian; Clark; Cook; Corte;

Counts; Crabb; Craddick; Culberson; Delisi; Denny; Driver; Dunnam; Elkins; Finnell; Galloway; Goodman; Gray; Grusendorf; Haggerty; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Junell; Kamel; Keel; King; Krusee; Kuempel; Madden; Marchant; McCall; Moffat; Mowery; Nixon; Oakley; Palmer; Patterson; Pitts; Rabuck; Ramsay; Raymond; Reyna, E.; Roman; Seaman; Shields; Siebert; Smith; Smithee; Solomons; Staples; Swinford; Talton; Turner, B.; Walker; West; Williams; Williamson; Wohlgemuth; Woolley; Zbraneck.

Present, not voting — Mr. Speaker; Uher(C).

Absent, Excused — Rodriguez.

Absent — Alexander; Giddings; Goolsby; Jones, D.; Stiles; Telford.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 173. I intended to vote no.

Eiland

When Record No. 173 was taken, I was temporarily out of the house chamber. I would have voted no.

Telford

RULES SUSPENDED

Representative Goolsby moved to suspend the 5-day posting rule to allow the Committee on House Administration to consider **SB 819**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Local and Consent Calendars, on noon recess today, Desk 75, to consider proposed amendments for tomorrow's calendar.

Criminal Jurisprudence, Subcommittee on DWI, on noon recess today, Desk 48, to consider **HB 2429**.

House Administration, on noon recess today, Desk 93, to consider **SB 819**.

Economic Development, on noon recess today, Desk 61, to consider pending business.

RECESS

Representative Walker moved that the house recess until 1:30 p.m. today.

The motion prevailed without objection.

The house accordingly, at 12:05 p.m., recessed until 1:30 p.m. today.

AFTERNOON SESSION

The house met at 1:30 p.m. and was called to order by the speaker.

GENERAL STATE CALENDAR
(consideration continued)

HB 883 ON THIRD READING
(by Krusee)

HB 883, A bill to be entitled An Act relating to the composition of the board of directors of certain metropolitan transit authorities.

HB 883 was passed.

HB 598 ON THIRD READING
(by Shields)

HB 598, A bill to be entitled An Act relating to reimbursement of certain administrative costs incurred by an employer in implementing a garnishment order.

HB 598 was passed.

HB 2692 ON THIRD READING
(by Ehrhardt, et al.)

HB 2692, A bill to be entitled An Act relating to the method of bidding for certain contracts related to community development programs.

Amendment No. 1

Representative Madden offered the following amendment to **HB 2692**:

Amend the second reading engrossment of **HB 2692** on page 1, line 12, by striking "a request-for-proposal process" and substituting "the request-for-proposal process described by Section 252.042".

Amendment No. 1 was withdrawn.

A record vote was requested.

HB 2692 was passed by (Record 174): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culbertson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Rodriguez.

Absent — Rabuck.

HB 1761 ON THIRD READING
(by Chavez, Moreno, Olivo, and Burnam)

HB 1761, A bill to be entitled An Act relating to a prohibition on certain requirements imposed by temporary employment services.

HB 1761 was passed. (Heflin, Janek, Rabuck, Seaman, and Williams recorded voting no)

GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING

(Speaker pro tempore in the chair)

The following bills were laid before the house and read second time:

CSHB 976 ON SECOND READING
(by Brimer, et al.)

CSHB 976, A bill to be entitled An Act relating to the abolition of the Texas Workers' Compensation Insurance Facility and the transfer of the assets and liabilities of that facility.

Amendment No. 1

Representative Brimer offered the following amendment to **CSHB 976**:

Amend **CSHB 976** by striking all below the enacting clause and substituting the following:

SECTION 1. Article 21.28-C, Insurance Code, is amended by adding Section 26 to read as follows:

Sec. 26. TRANSFER OF FACILITY TO ASSOCIATION. (a) The purpose of this section is to:

(1) provide a means for the transfer of control of the assets, liabilities, and obligations of the Texas workers' compensation insurance facility to the Texas Property and Casualty Insurance Guaranty Association; and

(2) ensure that the association has full authority to enforce the rights of the facility without limitation, except as expressly provided by this section.

(b) In addition to the definitions under Section 5 of this Act, in this section:

(1) "Comptroller" means the Texas comptroller of public accounts.

(2) "Facility" means the Texas workers' compensation insurance facility.

(3) "Fund" means the Texas Workers' Compensation Insurance Fund.

(4) "Insurer" means an insurance company licensed to do business in this state.

(5) "Texas workers' compensation insurance facility account" means the account maintained by the association for the assets of the facility.

(c) The association shall take control of the facility's assets, liabilities, and obligations and may administer all of the remaining aspects of the facility's operation. The association has full authority to enforce the contract or statutory rights of the facility under any servicing company agreements. This section may not be construed to be an assignment of the facility's rights or obligations under those agreements.

(d) The association shall maintain the Texas workers' compensation insurance facility account separately from the association's accounts described by Section 6 of this Act. Each claim, expense, or other liability related to the assets, liabilities, and obligations of the facility shall be paid from, and all collections and receipts shall be deposited into, the Texas workers' compensation insurance facility account. Funds in the Texas workers' compensation insurance facility account shall be maintained outside the state treasury.

(e) Not later than June 1 of each year, the association shall report its operating results for the Texas workers' compensation insurance facility account to the commissioner on a calendar year premium and an accident year loss basis.

(f) For a claim in which the compensable injury occurred before January 1, 1992, the association shall compute at least annually its results for incurred losses in the Texas workers' compensation insurance facility account, including incurred but not reported losses, by accident year. If there is a deficit or surplus from the operation of the Texas workers' compensation insurance facility account for those claims, the amount of the deficit or surplus shall be assessed or rebated to the member insurers licensed in this state who were members of the facility during the calendar year. Each member insurer shall pay a proportionate share of the total assessment or receive a proportionate share of the total rebate based on that insurer's portion of the total voluntary workers' compensation insurance writings during the calendar year. The fund is not liable for any deficit incurred on a policy with an effective date before January 1, 1992.

(g) For claims with an accident date on or after January 1, 1992, the association shall compute at least annually its results for incurred losses in the Texas workers' compensation insurance facility account, including incurred but not reported losses, by accident year. If there is a deficit or surplus from operation of the Texas workers' compensation insurance facility account for those claims, the amount of the deficit or surplus shall be assessed or rebated to the member insurers licensed in this state who were members of the facility during the calendar year and to the fund. Each member insurer and the fund shall pay a proportionate share of the total assessment or receive a proportionate share of the total rebate based on its portion of the total voluntary workers' compensation insurance writings during the calendar year.

(h) The association may provide for the redistribution of all or part of an assessment that would otherwise be levied on a member insurer under Subsection (f) or (g) of this section if the member insurer is unable to pay the full assessment because the member insurer is in liquidation at the time of the assessment.

(i) The association may authorize the deferment of the payment of an assessment made under Subsection (f) or (g) of this section. A deferment may

be allowed only if the cash flow of the Texas workers' compensation insurance facility account is adequate to meet all needs.

(j) If a member insurer or the fund elects to defer any portion of an assessment as provided by this section, the entire unpaid portion of the assessment and any accrued interest must be shown as a liability on each financial and annual statement of that insurer.

(k) A member insurer may not be allowed a credit against any tax levied by this state as a result of an assessment paid under this section.

(l) The association may invest Texas workers' compensation insurance facility account funds only in investments authorized for the investment of state funds as provided by Chapter 404, Government Code. The association shall develop an investment policy for the Texas workers' compensation insurance facility account and shall submit that policy to the comptroller for review and approval.

(m) The association shall submit to the commissioner for approval a plan of operation to ensure the fair, reasonable, and equitable administration of the Texas workers' compensation insurance facility account not later than October 1, 1997. The commissioner shall approve or disapprove the association's plan of operation of the Texas workers' compensation insurance facility account not later than the 60th day after the date on which the association submits the plan to the commissioner.

(n) If the commissioner does not approve the plan of operation, the association shall submit to the commissioner an amended plan of operation with any amendments necessary or suitable to ensure the fair, reasonable, and equitable administration of the Texas workers' compensation insurance facility account. The plan of operation and any amendments take effect on approval in writing by the commissioner. If the association fails to submit suitable amendments to the plan, the commissioner, after notice and hearing, shall adopt reasonable rules as necessary or advisable to implement this section. Those rules shall continue in force until modified by the commissioner or superseded by a plan submitted by the association and approved by the commissioner.

(o) In addition to all immunities and protections otherwise provided by this article, the association succeeds to all rights, defenses, immunities, and liabilities of the facility in each cause of action or other proceeding pending by or against the facility on September 1, 1997, or filed after that date. The immunity provisions of Sections 2.05(h) and 2.12, Article 5.76-2 of this code, as those provisions existed before their repeal, continue to apply to each act or omission that occurs before, on, or after September 1, 1997, and that is performed by the persons or entities covered by those provisions.

(p) If any party institutes or continues an action against the facility, the governing committee of the facility, the executive director of the facility, a member insurer solely in that insurer's capacity as a member insurer, or an agent, servant, attorney, consultant, or employee of the facility, whether or not serving in that capacity on September 1, 1997, in connection with or arising from either the facility's operations or the transactions contemplated by this section, the association shall defend, indemnify, and hold harmless that person or entity from liability for any act or omission of that person or entity in connection with, or arising from the performance of, the person's or entity's

powers and duties on behalf of the facility. A cause of action or other proceeding described by this subsection shall continue to be governed by and conducted under this section and Article 5.76-2 of this code, as that article existed before its repeal, and the applicable bylaws, rules, and regulations of the facility, and those provisions are continued in effect for the purposes of this section.

(q) The association may enter into negotiations for the privatization to a single insurer of all the assets, liabilities, and obligations maintained in the Texas workers' compensation insurance facility account. If the association determines that privatization under this subsection is in the best interest of this state, the association shall obtain the written approval of the commissioner before entering into a privatization agreement to consummate the applicable transaction.

(r) Any net proceeds from the privatization of the Texas workers' compensation insurance facility account shall be rebated in accordance with Subsection (g) of this section.

(s) If an insurer that assumes the assets, liabilities, and obligations maintained in the Texas workers' compensation insurance facility account under a privatization agreement approved under Subsection (q) of this section becomes an impaired insurer after that privatization agreement takes effect, any remaining facility claims shall be covered claims under this article.

(t) If a conflict exists between this section and any other statute relating to the facility or the association, this section controls.

SECTION 2. Except as otherwise provided by this Act, the following laws are repealed on the effective date of this Act:

(1) Article 5.76-2, Insurance Code; and

(2) Section 18.24(b), Chapter 12, Acts of the 72nd Legislature, 2nd Called Session, 1991, as amended by Section 8, Chapter 885, Acts of the 73rd Legislature, Regular Session, 1993.

SECTION 3. If any provision of this Act or the application of this Act to any person or entity or circumstance is held invalid by a court of competent jurisdiction, that invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 4. The repeal of Article 5.76-2, Insurance Code, under Section 2 of this Act does not affect rights and liabilities accruing under that article before the effective date of this Act, and that article is continued in effect for that purpose and for the purposes expressly provided by Section 26, Article 21.28-C, Insurance Code, as added by this Act.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Amendment No. 1 was adopted without objection.

CSHB 976, as amended, was passed to engrossment.

HB 3197 ON SECOND READING**(by Janek and Brimer)**

HB 3197, A bill to be entitled An Act relating to utilization review of certain health care services provided to a person who sustains a compensable injury.

Amendment No. 1 (Committee Amendment No. 1)

Representative Janek offered the following committee amendment to **HB 3197**:

Amend **HB 3197** as follows:

SECTION 1, Subsection (c), Line 19 is amended to read as follows:

~~(Chapter 408, Labor Code, Chapter 408, Labor Code)~~ Subtitle A, Title 5, Labor Code, Subtitle A, Title 5, Labor Code prevails. The

Representative Janek moved to table Amendment No. 1.

The motion to table prevailed.

Amendment No. 2

Representative Janek offered the following amendment to **HB 3197**:

Amend **HB 3197** as follows:

(1) On page 1, line 10, strike "Subtitle A".

(2) On page 1, line 17, strike "Subtitle A".

(3) On page 1, strike line 19 and substitute the following: "Title 5, Labor Code, Title 5, Labor Code, prevails. The".

Amendment No. 2 was adopted without objection.

HB 3197, as amended, was passed to engrossment.

HB 2826 ON SECOND READING**(by Place)**

HB 2826, A bill to be entitled An Act relating to the qualifications required for appointment as a community supervision and corrections department officer.

HB 2826 was passed to engrossment.

HB 2082 ON SECOND READING**(by Hightower)**

HB 2082, A bill to be entitled An Act relating to the authority of the Texas Youth Commission to sell or license the right to use a treatment program developed by the commission.

HB 2082 was passed to engrossment.

HB 40 ON SECOND READING**(by McCall, Junell, Stiles, et al.)**

HB 40, A bill to be entitled An Act relating to the use of certain information regarding a current or former employee.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Raymond, Representative McCall offered the following committee amendment to **HB 40**:

Amend **HB 40**, SECTION 1, Sec. 103.004. IMMUNITY FROM DEFAMATION; EMPLOYER REPRESENTATIVES as follows:

(a) An employer who discloses information about a current or former employee is immune from ~~[civil]~~ liability for defamation based upon that disclosure or any damages proximately caused by that disclosure unless it is proven by ~~[clear and convincing]~~ a preponderance of the evidence that the information disclosed was known by that employer to be false, or was made with reckless disregard of whether it was false or not, at the time disclosure was made.

Amendment No. 2

Representative McCall offered the following amendment to Amendment No. 1:

Amend Committee Amendment No. 1 to **HB 40**, in Section 103.004, Labor Code, by striking Subsection (a) (page 4, lines 4-11, committee report printing), and substituting the following:

(a) An employer who discloses information about a current or former employee is immune from civil liability for that disclosure or any damages proximately caused by that disclosure unless it is proven by the preponderance of the evidence that the information disclosed was known by that employer to be false at the time the disclosure was made.

Representative Raymond moved to table Amendment No. 2.

The motion to table was lost.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Giddings on motion of S. Turner.

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 2 and 3).

HB 40 - (consideration continued)**Amendment No. 3**

Representatives Dukes and Dunnam offered the following substitute amendment for Amendment No. 2:

Amend Committee Amendment No. 1 to **HB 40**, in Section 103.004, Labor Code, by striking Subsection (a) (page 4, lines 4-11, committee report printing), and substituting the following:

(a) An employer who discloses information about a current or former employee under Section 103.002 is immune from civil liability for that

disclosure or any damages proximately caused by that disclosure unless it is proven by the preponderance of the evidence that the information disclosed was known by that employer to be false at the time the disclosure was made or unless that employer fails to disclose any formal or informal grievance that the current or former employee asserted or any labor dispute between the employer and the current or former employee.

Amendment No. 3 was adopted without objection.

Amendment No. 2, as substituted, was adopted without objection.

Amendment No. 1, as amended, was adopted without objection.

Amendment No. 4

Representative Seaman offered the following amendment to **HB 40**:

Amend **HB 40** as follows:

On page 2, line 13, strike "10th" and Substitute "30th".

Amendment No. 4 was adopted without objection.

HB 40, as amended, was passed to engrossment.

(Kubiak in the chair)

CSHB 539 ON SECOND READING (by Uher, et al.)

CSHB 539, A bill to be entitled An Act relating to the civil liability of charitable organizations that are chambers of commerce.

CSHB 539 was passed to engrossment.

CSHB 2252 ON SECOND READING (by Oliveira)

CSHB 2252, A bill to be entitled An Act relating to certain projects and programs for residents of a colonia.

Amendment No. 1

Representatives Chisum and Swinford offered the following amendment to **CSHB 2252**:

Amend **CSHB 2252** as follows:

- (1) Strike SECTION 3; and
- (2) renumber subsequent Sections appropriately.

Amendment No. 1 was adopted without objection.

A record vote was requested.

CSHB 2252, as amended, was passed to engrossment by (Record 175): 89 Yeas, 52 Nays, 2 Present, not voting.

Yeas — Alexander; Alvarado; Averitt; Bailey; Berlanga; Bosse; Burnam; Carter; Chavez; Chisum; Coleman; Cook; Counts; Cuellar; Danburg; Davila; Davis; Dukes; Dunnam; Dutton; Ehrhardt; Eiland; Farrar; Flores; Gallego; Garcia; Glaze; Goodman; Gray; Greenberg; Gutierrez; Hawley; Hernandez;

Hightower; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Jones, D.; Jones, J.; Junell; Kamel; Keffer; King; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno; Naishtat; Oakley; Oliveira; Olivo; Patterson; Pickett; Place; Price; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Rhodes; Sadler; Serna; Solis; Stiles; Swinford; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; Williamson; Wise; Wolens; Yarbrough; Zbranek.

Nays — Allen; Brimer; Christian; Clark; Corte; Crabb; Craddick; Culberson; Delisi; Denny; Driver; Elkins; Finnell; Galloway; Goolsby; Grusendorf; Haggerty; Hamric; Hartnett; Heflin; Hilbert; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Janek; Keel; Krusee; Kuempel; Madden; Marchant; Moffat; Mowery; Nixon; Palmer; Pitts; Rabuck; Reyna, E.; Roman; Seaman; Shields; Siebert; Smith; Solomons; Staples; Talton; West; Williams; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker; Kubiak(C).

Absent, Excused — Giddings; Rodriguez.

Absent — Bonnen; Edwards; Jackson; Smithee; Wilson.

STATEMENT OF VOTE

I was shown voting yes on Record No. 175. I intended to vote no.

Williamson

CSHB 3116 ON SECOND READING (by Greenberg and Oliveira)

CSHB 3116, A bill to be entitled An Act relating to work supplementation programs for certain welfare recipients.

Amendment No. 1

Representative Greenberg offered the following amendment to **CSHB 3116**:

Amend **CSHB 3116** as follows:

(1) On page 1, line 16, strike "will impair an existing collective bargaining agreement.", and substitute "is not the result of a strike."

(2) On page 1, strike lines 18-24.

(3) On page 2, strike lines 1 and 2.

(4) On page 2, line 3, strike "(c)", and substitute "(b)".

(5) On page 2, between lines 14 and 15, insert the following:

(c) An employer participating in a work supplementation program may not require as a condition of employment that an employee hired under the program join or refrain from joining a labor organization.

(d) This section does not create or authorize a cause of action against an employer.

(6) On page 2, line 15, strike "(d)", and substitute "(e)".

(7) On page 3, strike lines 11-18, and substitute the following:

SECTION 3. This Act does not apply to:

(1) a work supplementation program, as defined by Section 2308.314(e)(3)(A) or (C), Government Code, as added by this Act, that

is created by **HB 1639, SB 781**, or a similar bill if the bill is enacted by the 75th Legislature, Regular Session, 1997, and becomes law and contains one or more provisions prohibiting the displacement from existing positions of employees of an employer who is or will be participating in the program; or

(2) a volunteer work experience program established under Section 31.0125, Human Resources Code.

Amendment No. 1 was adopted without objection.

A record vote was requested.

CSHB 3116, as amended, was passed to engrossment by (Record 176): 74 Yeas, 63 Nays, 2 Present, not voting.

Yeas — Alvarado; Bailey; Berlanga; Bosse; Burnam; Carter; Chavez; Coleman; Cook; Counts; Cuellar; Davila; Davis; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Flores; Gallego; Garcia; Glaze; Goolsby; Gray; Greenberg; Gutierrez; Hernandez; Hinojosa; Hirschi; Hochberg; Hodge; Jackson; Jones, J.; King; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McClendon; McReynolds; Moreno; Naishtat; Oakley; Oliveira; Olivo; Pickett; Price; Puente; Rangel; Raymond; Reyna, A.; Rhodes; Sadler; Serna; Solis; Stiles; Swinford; Telford; Thompson; Tillery; Torres; Turner, S.; Uher; Van de Putte; Walker; Wilson; Wise; Wohlgemuth; Wolens; Yarbrough; Zbranek.

Nays — Allen; Averitt; Bonnen; Brimer; Chisum; Christian; Clark; Corte; Crabb; Craddick; Culberson; Delisi; Denny; Driver; Elkins; Finnell; Galloway; Goodman; Grusendorf; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hilbert; Hill; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Janek; Kamel; Keel; Keffer; Krusee; Kuempel; Madden; Marchant; McCall; Merritt; Moffat; Mowery; Nixon; Palmer; Patterson; Pitts; Rabuck; Reyna, E.; Roman; Seaman; Shields; Siebert; Smith; Solomons; Staples; Talton; Turner, B.; West; Williams; Williamson; Woolley.

Present, not voting — Mr. Speaker; Kubiak(C).

Absent, Excused — Giddings; Rodriguez.

Absent — Alexander; Danburg; Hightower; Hilderbran; Jones, D.; Junell; Place; Ramsay; Smithee.

STATEMENTS OF VOTE

When Record No. 176 was taken, I was temporarily out of the house chamber meeting with the Governor. I would have voted no.

Hilderbran

When Record No. 176 was taken, I was temporarily out of the house chamber. I would have voted no.

Smithee

CSHB 1482 ON SECOND READING (by Carter)

CSHB 1482, A bill to be entitled An Act relating to computer and telecommunications offenses; providing penalties.

Amendment No. 1

Representative Carter offered the following amendment to **CSHB 1482**:

Amend **CSHB 1482**, in SECTION 3 of the bill, proposed Section 33A.03, Penal Code (committee printing, page 10, between lines 18 and 19), by inserting the following:

(d) It is a defense to prosecution under this section that the person was an officer, agent, or employee of a telecommunications service provider who engaged in the conduct for the purpose of gathering information for a law enforcement investigation related to an offense under this chapter.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Carter offered the following amendment to **CSHB 1482**:

Amend **CSHB 1482** to read as follows:

On page 12, line 24, add the following Section 33A.06, Penal Code, to the committee substitute for the bill:

"Sec. 33A.06. ASSISTANCE BY ATTORNEY GENERAL. The attorney general, if requested to do so by a prosecuting attorney, may assist the prosecuting attorney in the investigation or prosecution of an offense under this chapter or of any other offense involving the use of telecommunication equipment, services or devices."

Amendment No. 2 was adopted without objection.

CSHB 1482, as amended, was passed to engrossment.

CSHB 1212 ON SECOND READING
(by Averitt, et al.)

CSHB 1212, A bill to be entitled An Act relating to health insurance portability and availability and the implementation of certain federal reforms relating to health insurance portability and availability.

Amendment No. 1

Representative Madden offered the following amendment to **CSHB 1212**:

Amend **CSHB 1212** as follows:

(1) Add a new part, appropriately numbered, to read as follows:

PART ____ . MANDATORY BENEFIT PROVISIONS APPLICABLE
TO CERTAIN PLANS

SECTION __.01. SECTION 172.014, Local Government Code, is amended to read as follows:

Sec. 172.014. APPLICATION OF CERTAIN LAWS. (a) Except as provided by Subsection (b), a [A] risk pool created under this chapter is not insurance or an insurer under the Insurance Code and other laws of this state, and the commissioner of insurance [State Board of Insurance] does not have jurisdiction over a pool created under this chapter.

(b) A health and accident coverage provided by a risk pool is subject to a mandated benefit provision described by Subsection (c). The commissioner

of insurance may enforce this subsection as if a risk pool were an insurance company authorized to do business in this state and may adopt rules as necessary to implement this subsection.

(c) For purposes of this section, "mandated benefit provision" means a statute or a rule adopted by the commissioner of insurance that requires that any health benefit plan:

(1) cover a particular health care service or provide a particular benefit;

(2) cover a particular class of person; or

(3) provide for the reimbursement, use, or consideration of a particular category of health care practitioner.

(2) Renumber subsequent parts of the bill appropriately.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Junell on motion of Greenberg.

CSHB 1212 - (consideration continued)

Representative Averitt moved to table Amendment No. 1.

The motion to table prevailed.

CSHB 1212 was passed to engrossment.

HB 1977 ON SECOND READING (by Smithee)

HB 1977, A bill to be entitled An Act relating to risk limitations for certain insurance companies.

HB 1977 was passed to engrossment.

CSHB 627 ON SECOND READING (by Flores and Gutierrez)

CSHB 627, A bill to be entitled An Act relating to proof of insurance filed with the Texas Department of Public Safety by certain motorists uninsured at the time of an accident.

CSHB 627 was passed to engrossment.

HB 2159 ON SECOND READING (by Uher, et al.)

HB 2159, A bill to be entitled An Act relating to granting resident tuition status to children or dependents of certain former Texas residents.

Amendment No. 1

On behalf of Representative Kubiak, Representative Uher offered the following amendment to **HB 2159**:

Amend **HB 2159** as follows:

On page 1, line 14, strike "individual" and substitute "dependent".

Amendment No. 1 was adopted without objection.

A record vote was requested.

HB 2159, as amended, was passed to engrossment by (Record 177): 82 Yeas, 55 Nays, 2 Present, not voting.

Yeas — Alexander; Alvarado; Bailey; Berlanga; Bosse; Burnam; Chavez; Chisum; Coleman; Cook; Corte; Counts; Culberson; Danburg; Davila; Davis; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Farrar; Flores; Gallego; Garcia; Glaze; Goolsby; Gray; Gutierrez; Hamric; Hawley; Hernandez; Hightower; Hinojosa; Hirschi; Hodges; Holzhauser; Jones, D.; Jones, J.; King; Kuempel; Lewis, G.; Lewis, R.; Longoria; Maxey; McClendon; McReynolds; Moffat; Moreno; Naishtat; Oakley; Oliveira; Olivo; Patterson; Pickett; Pitts; Place; Price; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Rhodes; Sadler; Serna; Solis; Stiles; Swinford; Telford; Thompson; Tillery; Torres; Turner, S.; Uher; Van de Putte; Walker; Wilson; Wise; Wolens; Yarbrough; Zbranek.

Nays — Allen; Averitt; Bonnen; Brimer; Carter; Christian; Clark; Crabb; Craddick; Cuellar; Delisi; Denny; Driver; Elkins; Finnell; Galloway; Goodman; Grusendorf; Haggerty; Hartnett; Heflin; Hilbert; Hill; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Keel; Keffer; Krusee; Madden; Marchant; Merritt; Mowery; Nixon; Palmer; Rabuck; Reyna, E.; Roman; Seaman; Shields; Siebert; Smith; Smithee; Solomons; Staples; Talton; Turner, B.; West; Williamson; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker; Kubiak(C).

Absent, Excused — Giddings; Junell; Rodriguez.

Absent — Eiland; Greenberg; Hilderbran; Hochberg; Kamel; Luna; McCall; Williams.

STATEMENTS OF VOTE

When Record No. 177 was taken, I was in the house but away from my desk. I would have voted no.

Eiland

I was shown voting yes on Record No. 177. I intended to vote no.

Hawley

When Record No. 177 was taken, I was temporarily out of the house chamber meeting with the Governor. I would have voted no.

Hilderbran

CSHB 1621 ON SECOND READING (by Pickett)

CSHB 1621, A bill to be entitled An Act relating to certain licensing in the real estate industry.

Amendment No. 1

Representative Elkins offered the following amendment to **CSHB 1621**:

Amend **CSHB 1621** to read as follows:

(1) On page 9, between lines 1 and 2, insert the following appropriately numbered SECTION and renumber subsequent SECTIONS of the bill accordingly:

SECTION __. Section 11A, The Real Estate License Act (Article 6573a, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 11A. INCREASE IN FEES. (a) Each of the following fees imposed by or under another section of this Act is increased by \$200:

(1) fee for filing an original application for an individual real estate broker license; and

(2) fee for annual renewal of an individual real estate broker license.

(b) Subsection (a) does not apply to a real estate broker who is on inactive status under Section 13A of this Act.

(c) Of each fee increase collected, \$50 shall be deposited to the credit of the foundation school fund and \$150 shall be deposited to the credit of the general revenue fund. This subsection applies to the disposition of each fee increase regardless of any other provision of law providing for a different disposition of funds.

(2) On page 10, between lines 7 and 8, insert the following:

"(c) The change in the law made by this Act to Section 11A, The Real Estate License Act (Article 6573a, Vernon's Texas Civil Statutes), applies only to a real estate broker renewal fee that becomes due on or after the effective date of this Act. A real estate broker fee renewal that becomes due before the effective date of this Act is subject to the law in effect on the date the fee became due, and the former law is continued in effect for that purpose."

Amendment No. 1 was adopted without objection.

CSHB 1621, as amended, was passed to engrossment.

CSHB 1929 ON SECOND READING

(by McClendon)

CSHB 1929, A bill to be entitled An Act relating to the investigation and reporting of child abuse or neglect.

CSHB 1929 was passed to engrossment.

HB 2146 ON SECOND READING

(by Maxey and Dukes)

HB 2146, A bill to be entitled An Act relating to studying minority participation in public higher education.

Amendment No. 1

Representative Maxey offered the following amendment to **HB 2146**:

Amend **HB 2146** as follows:

(1) On page 1, line 9, strike the comma and substitute "and".

(2) On page 1, line 10, strike ", and language".

(3) On page 1, line 18, between "racial" and "ethnic", strike the comma and substitute "and".

(4) On page 1, line 18, strike ", and".

(5) On page 1, line 19, strike "language".

(6) On page 2, line 10, strike "racial, ethnic, and language" and substitute "racial and ethnic".

Amendment No. 1 was adopted without objection.

HB 2146, as amended, was passed to engrossment.

(Speaker pro tempore in the chair)

HOUSE AT EASE

At 3:42 p.m., the chair announced that the house would stand at ease.

The chair called the house to order at 4 p.m.

GENERAL STATE CALNEDAR (consideration continued)

HB 2424 ON SECOND READING

(by Puente)

HB 2424, A bill to be entitled An Act relating to deductions of the amount of certain child support awards from lottery winnings.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative A. Reyna, Representative Puente offered the following committee amendment to **HB 2424**:

Amend **HB 2424** as follows:

Section 1, page 1, line 9, between the words "be" and "awarded" add "paid in periodic installments and is"

Section 1, page 1, line 12 before the word "winnings" add "periodic installment" and between the words "a" and "copy" add "certified"

Section 1, page 1, line 16, add a new subsection (c) to read as follows and renumber subsections accordingly:

(c) The court order, writ of withholding, or notice of a child support lien must direct child support to be paid in the manner in which the periodic installment prize is paid. The executive director is not required to receive the court order, the writ of withholding or notice of child support lien until the executive director determines there is a periodic installment prize to which the winner is entitled.

Section 1, page 2, line 4, between the words "winning" and "prizes" add "periodic installment"

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Dunnam offered the following amendment to **HB 2424**:

Amend **HB 2424** by inserting appropriately numbered sections of the bill and by renumbering remaining sections of the bill accordingly:

SECTION _____. Section 466.358, Government Code, is amended by adding Subsections (c)-(e) to read as follows:

(c) The executive director shall deduct the amount of a delinquent tax or other money from the payments made as compensation to a sales agent who has been finally determined to be:

(1) delinquent in the payment of a tax or other money collected by

the comptroller, the Texas Workforce Commission, or the Texas Alcoholic Beverage Commission;

(2) delinquent in making child support payments administered or collected by the attorney general;

(3) in default on a loan made under Chapter 52, Education Code; or

(4) in default on a loan guaranteed under Chapter 57, Education Code.

(d) If a sales agent's compensation exceeds a delinquency under Subsection (c), the director shall pay the balance to the sales agent. The director shall transfer the amount deducted to the appropriate agency.

(e) The attorney general, comptroller, Texas Workforce Commission, Texas Alcoholic Beverage Commission, Texas Higher Education Coordinating Board, and Texas Guaranteed Student Loan Corporation shall each provide the executive director with a report of persons who have been finally determined to be delinquent in the payment of a tax or other money collected by the agency. The commission shall adopt rules regarding the form and frequency of reports under this subsection.

SECTION _____. Sections 466.407(a) and (c), Government Code, are amended to read as follows:

(a) The executive director shall deduct the amount of delinquent tax or other money from the winnings of a person who has been finally determined to be:

(1) delinquent in the payment of a tax or other money collected by the comptroller, the Texas Workforce Commission [~~state treasurer~~], or the Texas Alcoholic Beverage Commission;

(2) delinquent in making child support payments administered or collected by the attorney general;

(3) in default on a loan made under Chapter 52, Education Code; or

(4) in default on a loan guaranteed under Chapter 57, Education Code.

(c) The attorney general, comptroller, Texas Workforce Commission [~~state treasurer~~], Texas Alcoholic Beverage Commission, Texas Higher Education Coordinating Board, and Texas Guaranteed Student Loan Corporation shall each provide the executive director with a report of persons who have been finally determined to be delinquent in the payment of a tax or other money collected by the agency. The commission shall adopt rules regarding the form and frequency of reports under this subsection.

Amendment No. 2 was adopted without objection.

HB 2424, as amended, was passed to engrossment.

HB 2193 ON SECOND READING (by Wise)

HB 2193, A bill to be entitled An Act relating to the trust fund requirement for alien surplus lines insurers.

HB 2193 was passed to engrossment.

RESOLUTIONS CALENDAR

The chair laid before the house the following resolution on committee report:

HCR 24 (by Serna), Encouraging Texas colleges and universities to include antiviolence education in their curriculum.

HCR 24 was adopted without objection.

**HR 645 - ADOPTED
(by Greenberg)**

Representative Greenberg moved to suspend all necessary rules to take up and consider at this time **HR 645**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

HR 645, Granting Professor Janice C. May and the students in her American State Legislatures class permission to use the house chamber on April 20, 1997.

HR 645 was read and was adopted without objection.

RULES SUSPENDED

Representative Telford moved to suspend the 5-day posting rule to allow the Committee on Pensions and Investments to consider **SB 1060** and **SB 1755**.

The motion prevailed without objection.

Representative Wilson moved to suspend the 5-day posting rule to allow the Committee on Licensing and Administrative Procedures to consider **HB 1922**, **HB 2459**, **SB 452** and **SB 486**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Human Services, on recess today, Desk 41, to consider pending business.

County Affairs, on recess today, Desk 4, to consider **HB 2532**, **HB 3047**, and **SB 992**.

Financial Institutions, on recess today, speakers committee room.

Pensions and Investments, on recess today, Desk 54, to consider **HB 2936** and **SB 1755**.

Licensing and Administrative Procedures, on recess today, Desk 66, to consider **HB 281**, **HB 2135**, **HB 2679**, **SB 541**, and **SB 672**.

Judicial Affairs, on recess today, Desk 67.

Urban Affairs, on recess today, E1.014, Capitol Extension.

Public Health, on recess today.

All committees posted to meet on adjournment today will meet at final recess unless otherwise announced.

RECESS

Representative Walker moved that the house recess until 10 a.m. tomorrow.

The motion prevailed without objection.

The house accordingly, at 4:26 p.m., recessed until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 3577 (by Allen), Relating to certain fees a judge may impose on a defendant as a condition of community supervision.

To Criminal Jurisprudence.

HB 3578 (by Seaman), Relating to enforcement of building codes affecting certain coastal counties.

To Land & Resource Management.

HB 3579 (by Zbranek), Relating to the creation, administration, powers, and authority of the Chambers County-Cedar Bayou Navigation District.

To Natural Resources.

HCR 204 (by Hilderbran), Directing the Texas Workforce Commission to implement a subsidized work program for unemployed job applicants.

To Human Services.

HCR 205 (by Maxey), Granting permission for Jesse F. Burditt, Sr., and Mildred Crain Burditt to be reinterred in the Texas State Cemetery.

To State, Federal & International Relations.

HR 624 (by Edwards), Granting permission for the Juneteenth Emancipation Association to use the house chamber on June 6, 1997.

To House Administration.

HR 625 (by Woolley), Congratulating Anthony Richard Hagale on attaining the rank of Eagle Scout.

To Rules & Resolutions.

HR 628 (by Williamson), Recognizing April 21 and 22, 1997, as Wise County Days at the State Capitol .

To Rules & Resolutions.

HR 629 (by Smithee), Honoring Craig Trammell for his heroic actions.

To Rules & Resolutions.

HR 630 (by Smithee), Congratulating Charles Richard "C. R." Walser on the occasion of his 109th birthday.

To Rules & Resolutions.

HR 631 (by Smithee), In memory of Esther L. Plank.

To Rules & Resolutions.

HR 632 (by Shields), In memory of Giovanni Batista "John" Zito.
To Rules & Resolutions.

HR 634 (by J. Jones), Honoring Ezell Rhodes for her contributions to the community.

To Rules & Resolutions.

HR 635 (by Flores), Honoring E. B. Reyna Elementary School for its outstanding service to the schoolchildren of the La Joya Independent School District.

To Rules & Resolutions.

HR 636 (by Cuellar), Honoring the United States Border Patrol Drug Demand Reduction Program.

To Rules & Resolutions.

SB 89 to Juvenile Justice & Family Issues.

SB 184 to Ways & Means.

SB 336 to Urban Affairs.

SB 542 to Criminal Jurisprudence.

SB 606 to Higher Education.

SB 743 to Judicial Affairs.

SB 814 to Economic Development.

SB 885 to Business & Industry.

SB 1007 to Civil Practices.

SB 1098 to Financial Institutions.

SB 1161 to Juvenile Justice & Family Issues.

SB 1179 to County Affairs.

SB 1266 to Ways & Means.

SB 1357 to Public Education.

SB 1463 to Natural Resources.

SB 1556 to Juvenile Justice & Family Issues.

SB 1778 to Ways & Means.

SB 1779 to Ways & Means.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 35

HCR 112

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, April 17, 1997

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 226 Madla
Relating to defense economic readjustment zones; authorizing the issuance of bonds.

SB 227 Madla
Relating to a grant for a local area adversely affected by a reduction in defense-related activity.

SB 265 Ellis
Relating to the linked deposit program.

SB 576 Sibley
Relating to the establishment of the Texas New Horizons Scholarship Trust Fund to exempt worthy high school graduates from tuition and fees at public institutions of higher education.

SB 682 Armbrister
Relating to advertisements for certain health benefit plans.

SB 706 Patterson, Jerry
Relating to recomputation of an employer's unemployment compensation experience rate based on payment by the employer of certain voluntary contributions.

SB 739 Carona
Relating to the refund of certain overpaid unemployment compensation benefits by the recipients of those benefits.

SB 888 Harris
Relating to a local option election to prohibit or permit the sale of alcoholic beverages in certain cities or towns located in more than one county.

SB 932 Sibley
Relating to abolishing the Texas Department of Commerce and transferring its powers and duties to the newly created Texas Department of Economic Development and Tourism and to certain other economic development programs in the state.

SB 1209 Barrientos

Relating to participation in the proportionate retirement program for public employees.

SB 1359 West, Royce

Relating to public school educators' requests for hearings concerning certain proposed school district decisions.

SB 1447 Harris

Relating to the conversion of mutual insurance companies to stock insurance companies.

SB 1756 Fraser

Relating to the exemption of certain persons from the provisions of the Private Investigators and Private Security Agencies Act.

SB 1810 Barrientos

Relating to the creation, operation, and funding of the Texas Youthworks Program.

SB 1826 Shapleigh

Relating to the regulation of private postsecondary educational institutions and educational or training establishments; providing administrative and civil penalties.

SB 1877 Wentworth

Relating to creating a Texas community investment program to assist certain businesses in distressed areas of the state.

SCR 60 Ogden

Congratulating the Wortham High School Bulldogs on winning the Class 1A State Basketball Championship.

Respectfully,

Betty King
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Thursday, April 17, 1997 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

LOCAL AND UNCONTESTED CALENDAR

HB 368 McCall SPONSOR: Duncan
Relating to the statute of limitations for misappropriation of trade secrets.

HB 520 Woolley SPONSOR: Brown
Relating to menhaden boat licenses.

SB 48 Shapiro
Relating to the definition of "victim" in the context of maintaining the confidentiality of a sex offense victim's identity.

SB 68 Moncrief
Relating to the priority given to the hearing of certain matters by trial courts.

SB 208 Haywood
Relating to disclosure of certain information regarding certain patients of a physician.

SB 318 Ellis
Relating to the liability of and bonds required of guardians of the person of certain wards.

SB 323 Armbrister
Relating to judicial training and continuing education for administrative law judges of the State Office of Administrative Hearings.

SB 395 Gallegos
Relating to parties authorized to enter into interlocal cooperation contracts.

SB 462 Luna, Gregory
Relating to the residency requirement for admission into the public schools of a school district.

SB 514 Moncrief
Relating to requiring the Health and Human Services Commission to promulgate uniform fair hearing rules for all Medicaid-funded services.

SB 517 Bivins
Relating to the transportation of public school students.

SB 595 Ratliff
Relating to Cooper Lake State Park.

SB 625 Whitmire
Relating to the dissemination of information contained in the juvenile justice information system.

SB 645 Armbrister
Relating to state fiscal matters, including holidays, employee compensation and deductions, reports, consultants, and the comptroller's powers.

SB 710 Brown
Relating to the creation of an offense involving certain sales of tickets to certain events; providing a penalty.

SB 883 Harris

Relating to structured settlement offers in certain personal injury suits.

SB 898 Harris

Relating to nonsubstantive additions to and corrections in enacted codes, including the nonsubstantive codification of various laws omitted from enacted codes, and to conforming codifications enacted by the 74th Legislature to other Acts of that legislature.

SB 899 Ratliff

Relating to the organization and governance of water supply and sewer service corporations.

SB 901 Gallegos

Relating to an entity's eligibility for foreign trade zone or subzone status.

SB 907 Brown

Relating to the statute of limitations for the purpose of prosecuting certain offenses under the Tax Code.

SB 908 Zaffirini

Relating to the licensing and inspection of certain hospitals.

SB 911 Cain

Relating to the protection or release of a trustee from liability under certain circumstances.

SB 936 Bivins

Relating to public education.

SB 964 Ratliff

Relating to criminal history record information on persons licensed by certain agencies.

SB 966 Nelson

Relating to the creation of two county criminal courts in Denton County.

SB 988 Brown

Relating to reports required from certain producers and purchasers of oil.

SB 1028 Sibley

Relating to clarifying the name of the College of Dentistry component of The Texas A&M University System.

SB 1033 Harris

Relating to the ad valorem taxation of property and to the appraisal of property for ad valorem tax purposes.

SB 1038 Duncan

Relating to the authority of the board of regents of Texas Tech University to issue certain bonds and notes on behalf of Texas Tech University and Texas Tech University Health Sciences Center.

SB 1057 Zaffirini

Relating to the composition of and certain services operated by the Texas Department of Mental Health and Mental Retardation.

- SB 1063** Carona
Relating to the creation of municipal courts of record in Richardson.
- SB 1088** Patterson, Jerry
Relating to the use of a private building for a polling place.
- SB 1094** Wentworth
Relating to the procedure for fixing a mechanic's, contractor's, or materialman's lien on homestead property.
- SB 1127** Madla
Relating to the operation of certain military installations as businesses by development corporations.
- SB 1154** Harris
Relating to adopting and amending a student code of conduct in public schools.
- SB 1162** Carona
Relating to the warranties on the transfer or presentment of demand drafts.
- SB 1170** Lindsay
Relating to the initial inspection period for certain vehicles.
- SB 1175** Whitmire
Relating to recall elections to remove a member of the board of directors of a municipal utility district.
- SB 1176** Whitmire
Relating to the validity of certain devises or bequests.
- SB 1177** Nelson
Relating to the publication of the Texas Register.
- SB 1190** Armbrister
Relating to contracts and communications involving certain athletes and athlete agents.
- SB 1211** Ogden
Relating to the meetings of a commissioners court of a county.
- SB 1233** Shapiro
Relating to exemption from inscription requirements for an automobile used by a municipal or county medical examiner.
- SB 1268** Armbrister
Relating to disclosure of driver's license record information held by the Department of Public Safety of the State of Texas.
- SB 1271** Armbrister
Relating to the creation of the Human Resource Task Force and the streamlining of the organizational structures of state agencies.
- SB 1273** Armbrister
Relating to the sale of alarm products or services and burglary detection devices.
- SB 1284** Gallegos
Relating to regulation of new or renovated bedding; providing penalties.

SB 1295 Cain

Relating to licensure of certain international medical students who have successfully completed a Fifth Pathway Program.

SB 1313 Carona

Relating to the designation of licensed dietitians as service providers under the chronically ill and disabled children's services program.

SB 1314 Barrientos

Relating to creation of the County Court at Law Number 4 of Travis County.

SB 1386 Haywood

Relating to title to materials and equipment in the state library system.

SB 1395 Lindsay

Relating to the preparation of a county budget in certain counties.

SB 1422 Ratliff

Relating to the procedures governing the funding formulas established by the Texas Higher Education Coordinating Board.

SB 1450 Nelson

Relating to the terms of tax abatement agreements entered into by the Dallas County Flood Control District No. 1.

SB 1453 Ratliff

Relating to approval of the comptroller's account against the state.

SB 1454 Lucio

Relating to the validation of a governmental act or proceeding of a municipality.

SB 1464 Brown

Relating to an exemption from the industrial solid waste collection, handling, storage, processing, and disposal permitting process for such activities on land owned or controlled by the source of the waste.

SB 1465 Brown

Relating to the handling, testing, and compensation for the destruction of certain animals; providing a penalty.

SB 1485 Bivins

Relating to the tuition charged to certain students at public institutions of higher education and to state funding related to those students.

SB 1502 Ellis

Relating to the transfer of certain money into the housing trust fund.

SB 1519 Ellis

Relating to the authority of the Texas Workforce Commission to accept donations.

SB 1527 Ellis

Relating to establishing a home buyer education program.

SB 1529 Brown

Relating to the provision of housing and utility services for certain dwellings.

SB 1530 Brown

Relating to the forced sale of a co-owner's interest in certain real property.

SB 1544 Ogden

Relating to public access to certain personal information about employees of the Texas Department of Criminal Justice and certain law enforcement personnel.

SB 1547 Ogden

Relating to the appointment and duties of criminal magistrates for certain courts of Williamson County.

SB 1579 Carona

Relating to the requisition for the return of a person charged with crime in this state.

SB 1621 Duncan

Relating to the disposition of the City of Lubbock's auditorium-coliseum complex located on real property conveyed to the City of Lubbock by Texas Tech University.

SB 1630 Duncan

Relating to motor vehicle registration.

SB 1681 Ratliff

Relating to authorizing certain state agencies to set and charge a fee for the use of a credit card to pay certain fees.

SB 1712 Bivins

Relating to authorizing the Texas Engineering Extension Service to participate in the skills development fund.

SB 1805 Nixon, Drew

Relating to the adoption or increase of local sales and use taxes by a municipality or county for which previous elections adopting such taxes were invalid.

SB 1838 Ratliff

Relating to fees charged for records filed with and maintained by the secretary of state.

SB 1888 Brown

Relating to the repeal of the authority to abolish certain conservation and reclamation districts that become part of more than one municipality.

SB 1893 Bivins

Relating to the number of days of service required of certain educators for the school year.

SB 1903 Truan

Relating to the acceptance of gifts, grants, and donations by the secretary of state.

SB 1904 Sibley

Relating to responsibility for state aircraft used for flight training programs by public postsecondary educational institutions.

SCR 27 Harris
Recognizing the Devil's Cigar Fungus as the Official State Fungus of Texas.

SCR 46 Ratliff
Paying tribute to President George Bush.

SCR 55 Barrientos
Authorizing the burial of Sam L. Kelley in the State Cemetery.
Respectfully,

Betty King
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, April 17, 1997 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 77 Gallego SPONSOR: Madla
In memory of Judge Sergio Gonzalez, Jr.

SCR 72 Cain
Recognizing the Wesley Chapel Cemetery as it receives an Official Texas Historical Marker.

SCR 73 Barrientos
Recognizing San Jacinto Day of 1997 and expressing appreciation to K. R. Wood for the "Fathers of Texas".

Respectfully,

Betty King
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 16

Agriculture & Livestock - **HB 2945**

Business & Industry - **HB 2016, HB 3174**

Civil Practices - **HB 2911**

Criminal Jurisprudence - **HB 133, HB 1128, HB 2830, HB 2874**

Environmental Regulation - **HB 3231**

Financial Institutions - **HB 3334**

Human Services - **HB 2482**

Insurance - **HB 1498, HB 2063, HB 3028, HB 3031, HB 3036, HB 3269**

Land & Resource Management - **HB 2349, HB 2564, HB 2847**

Natural Resources - **HB 3548**

Pensions & Investments - **HB 2029, HB 2965, SB 472, SB 538**

Public Health - **HB 179, HB 561, HB 1284, HB 1407, HB 1823, HB 2119, HB 2866**

State Recreational Resources - **HB 2542**

State, Federal & International Relations - **HB 2838**

Transportation - **HB 107, HB 1692, HB 2519, HB 2522**

ENGROSSED

April 16 - **HB 588, HB 1137, HB 1170, HB 1445, HB 1595, HB 1826, HB 1836, HB 2133, HB 3490, HJR 55, HJR 96**

SENT TO THE GOVERNOR

April 16 - **HCR 192, HCR 198**